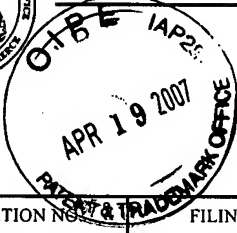




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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,099	08/26/2003	Juan V. Esteve Balducci	M61.12-0277	3168

7590 04/09/2007
Steven M. Kochler
WESTMAN CHAMPLIN & KELLY
Suite 1600 - International Centre
900 South Second Avenue
Minneapolis, MN 55402-3319

EXAMINER
SALAD, ABDULLAHI ELMI

ART UNIT	PAPER NUMBER
2157	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/648,099		BALDUCCI ET AL.	
	Examiner		Art Unit	
	Salad E. Abdullahi		2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/03&6/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been reviewed. Original claims 1-22 are pending. The rejection cited stated below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Mousseau et al., U.S. Patent Application Publication No. 2002/012069[hereinafter Mousseau].

As per claim 1, Fiatal discloses a method of synchronizing folders between a mobile device and a second computing device, the method comprising:

initiating a folder synchronization request between the mobile device and the second computing device(see fig. 17, 0107);

comparing the folder hierarchy of the mobile device with the folder hierarchy of the second computing device to ascertain differences(see fig. 17, and paragraph 0102);

sending information to at least one of the mobile device and the second computing device, the information being a function of the ascertained differences between the folder hierarchies (see paragraph 0120-0122);; and

using the information to modify at least one of the folder hierarchy of the mobile device and the folder hierarchy of the second computing device (see fig. 17, and paragraph 0102).

As per claim 2, Mousseau discloses the method of claim 1 and further comprising: establishing a common folder hierarchy between the mobile device and the second computing device (see fig. 17).

As per claim 3-6, Mousseau discloses the method of claim 2 and further comprising: reestablishing the common folder hierarchy between the mobile device and the second computing device after modifying at least one of the folder hierarchy of the mobile device and the folder hierarchy of the second computing device (see fig. 17 and paragraph 0120-0122).

As per claims 8-11. Mousseau discloses the method of claim 1 wherein using the information comprises executing instructions on the mobile device or the second computing device to add, delete, move or rename a folder (see fig. 17 and paragraph 0120-0122).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mousseau as applied to claim 1 above, and further in view of Flanagan et al., U.S. Patent Application Publication No. 2003/004634 [hereinafter Flanagan].

As per claims 7, Fiatal discloses substantial features of the claimed invention as discussed with respect to claim 1 above:

Mousseau is silent regarding: wherein sending information comprises sending the information in a markup language format.

Flanagan Method and system for synchronizing mobile devices wherein sending information comprises sending the information in a markup language format

(see paragraph 0028). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with teaching of Mousseau to utilize the mobile device synchronization mechanism such as sending information comprises sending the information in a markup language format as taught by Flanagan thus enabling mobile devices to embed data or additional commands to be used when communicating with other devices.

Conclusion

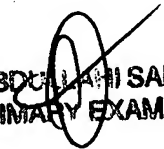
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2157

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E. Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdullahi Salad
As
3/29/2007


ABDULLAHI SALAD
PRIMARY EXAMINER

FORM PTO-1449	Atty. Docket No.: M61.12-0277	Appl. No.:
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	First Named Inventor:	
	Juan V. Esteve Balducci et al.	
	Filing Date	Group Art:
	HEREWITH	


U.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Name	Class	Sub Class	Filing Date If Appropriate
AA						
AB						
AC						
AD						
AE						
AF						
AG						
AH						
AI						
AJ						
AK						

FOREIGN PATENT DOCUMENTS

	Document No.	Date	Country	Class	Sub Class	Translation Yes No
AL						
AM						
AN						

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AS	AO	Saito et al., "Disconnected Operations Synchronization Facility Extension for Mobile Terminal's Messaging System", Transactions of Information Processing Society of Japan, Vol. 42(11), Nov. 2001, pp. 2780-2788. Abstract.
	AP	
	AQ	
EXAMINER: 		DATE CONSIDERED: 3/31/07

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



FORM PTO-1449	Atty. Docket No.: M61.12-0277	Appl. No.: 10/648,099
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	First Named Inventor:	
	Balducci	
	Filing Date	Group Art:
	Aug 26, 2003	2157

U.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Name	Class	Sub Class	Filing Date If Appropriate
AS	AA	2002/120696	8/2002	Mousseau		
AS	AB	2001/054115	12/2001	Ferguson		
AS	AC	2002/099719	7/2002	Schwitters		
	AD					
	AE					
	AF					
	AG					
	AH					
	AI					
	AJ					
	AK					

FOREIGN PATENT DOCUMENTS

	Document No.	Date	Country	Class	Sub Class	Translation Yes No
	AL					
	AM					
	AN					

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AO	Official Search Report of the European Patent Office in counterpart foreign application No. 03 025 440.3 filed November 5, 2003.
AP	Tanenbaum: "Computer Networks; Third Edition" 1996, Prentice Hall, Upper Saddle River, NJ, Page 695
AQ	

EXAMINER:	DATE CONSIDERED: 3/31/07
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Notice of References Cited	Application/Control No. 10/648,099	Applicant(s)/Patent Under Reexamination BALDUCCI ET AL.	
	Examiner Salad E. Abdullahi	Art Unit 2157	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2002/0120696 A1	08-2002	Mousseau et al.	709/206
*	B	US-2003/0037254 A1	02-2003	Fischer et al.	713/200
*	C	US-2003/0046434 A1	03-2003	Flanagin et al.	709/248
*	D	US-2003/0157947 A1	08-2003	Fiatal et al.	455/466
*	E	US-6,959,194 B2	10-2005	Brouwer et al.	455/466
*	F	US-2003/0050046 A1	03-2003	Conneely et al.	455/412
*	G	US-6,505,214 B1	01-2003	Sherman et al.	707/201
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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